

CIVIL SERVICE BOARD MEETING

OCTOBER 4, 2012

A special called meeting of the Clayton County Civil Service Board was held on Thursday, October 4, 2012, in the Commissioners' Board Room.

Members present: Larry A. Bartlett, Chairman
 Troyce B. Lancaster, Vice-Chair
 Gbenga Osagie, Member
 J. Mark Trimble, Member

Member absent: Lori Favre, Member

Also present: Human Resources Director Renee Bright and various staff members; Civil Service Board Attorney Joe Harris; County Attorney Pamela Everett; Chief Deputy Garland Watkins; Sheriff's Office Legal Advisor Stacey McClurkin; Johnette Colquitt; Attorney Lance Kimmey; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:36 a.m., and noted for the record that all members were present, except Lori Favre. Chairman Bartlett called for a motion to adopt the October 4th Agenda. Mr. Trimble made a motion to approve the agenda with the following changes: Add Item 2a to discuss change to ***Joe Eckler, Police***, Decision and remove Item 4, until the conclusion of both hearings, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0) – Lori Favre, absent.

1. Considered for approval the Civil Service Board's revised Decision regarding Joe Mack Eckler, Police Department, appeal that was settled on August 1, 2012.
 - a. Chairman Bartlett advised that changes were approved on October 3, 2012 with a 4-0 vote, as Ms. Favre was absent and that a change was made to the cover sheet, which all board members signed.
 - b. There was no further discussion.
2. ***Appeal (continued)*** – Considered appeal that was filed by Johnette Colquitt, Sheriff's Office on July 19, 2010, regarding "My demotion. I would like to refute any and all violations".
 - a. Chairman Bartlett confirmed the Board would adjourn into Executive Session with a quorum (4 members), as Ms. Favre left yesterday afternoon and would not be in attendance today.

- b. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the appeal that was filed by Johnette Colquitt, Sheriff's Office on July 19, 2010, regarding "My demotion. I would like to refute any and all violations". Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0) – Ms. Favre, absent.
 - c. Chairman Bartlett called the meeting back to order at 11:18 a.m.
 - d. Chairman Bartlett called for a motion regarding the appeal that was filed by Johnette Colquitt, Sheriff's Office on July 19, 2010, regarding "My demotion. I would like to refute any and all violations". Mr. Trimble made a motion that the decision to demote the employee be upheld, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0) – Ms. Favre, absent.
 - e. Mr. Kimmey confirmed he had no questions on behalf of the Appellant.
3. ***Appeal*** - Considered appeal that was filed by Johnette Colquitt, Sheriff's Office on October 22, 2010, regarding, *"Wrongfully and unjustly terminated without legitimate cause. No progressive steps of actions taken. No polygraph conducted to make sure of the allegations. Sgt. Spain stated I denied watching the news and a particular coverage still in question and Lt. Crisp stated I watched the news occasionally. Both as well as myself unclear of the subject in question wanted"*.
- a. Ms. Everett advised she was ready to proceed on behalf of the Sheriff's Office. Mr. Kimmey advised he was ready to proceed on behalf of the Appellant.
 - b. Chairman Bartlett asked if all witnesses were present. Ms. Everett and Mr. Kimmey replied in the affirmative.
 - c. Ms. Everett swore in all witnesses and requested an order of sequestration, which Mr. Kimmey joined in on the request.
 - d. Chairman Bartlett reviewed the guidelines regarding a formal hearing with both parties.
 - e. Ms. Everett presented opening statements for the Sheriff's Office. Mr. Kimmey presented the Appellant's opening statement.
 - f. Ms. Everett called Sgt. Joseph Spain to the witness stand. He stated his name, where employed, and duties held in 2010. Ms. Everett began questioning Sgt. Spain. Sgt. Spain responded in detail to all questions posed by Ms. Everett.
 - g. Mr. Kimmey cross-examined Sgt. Spain. Sgt. Spain responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question posed by Mr. Kimmey as it called for "speculation on the part of the witness". The objection was sustained. Mr. Kimmey mentioned **County Exhibit 8 (page 22)**.

- h. Mr. Kimmey continued the cross-examination of Sgt. Spain. Sgt. Spain responded in detail to all questions posed by Mr. Kimmey. Mr. Kimmey mentioned **County Exhibit 8 (page 26)**.
- i. Ms. Everett asked re-direct questions to Sgt. Spain. Sgt. Spain responded in detail to all questions posed by Ms. Everett.
- j. The Board questioned Sgt. Spain. He responded in detail to all questions posed by the Board.
- k. There being no further questions, the witness was not released (subject to recall). Mr. Kimmey had no objections.
- l. Chairman Bartlett asked Sgt. Spain to tell the other witnesses to meet back here at 1:30 p.m., after a lunch break.
- m. Chairman Bartlett called for a lunch break. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0) – Ms. Favre, absent.
- n. Chairman Bartlett called the meeting back to order at 1:37 p.m.
- o. Ms. Everett called Sgt. Geraldine Gardiner to the witness stand. She stated her name, where employed, tenure, current duties and duties held in 2010. Ms. Everett began questioning Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit 8 (page 23)**.
- p. Ms. Everett continued questioning Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit 8 (page 12)**.
- q. Ms. Everett continued questioning Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Ms. Everett. Mr. Kimmey objected to a question posed by Ms. Everett as it was “asked and answered”. The objection was sustained. Chairman Bartlett asked Ms. Everett to ask a different question as it was “asked and answered”.
- r. Ms. Everett continued questioning Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Ms. Everett.
- s. Mr. Kimmey cross-examined Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question posed by Mr. Kimmey as to its “relevancy”. Mr. Kimmey explained the question’s relevancy in detail. Ms. Everett explained her objection in detail. The question was allowed as the witness opened the door to allow this line of questioning. All

board members agreed. Ms. Everett re-stated her objection for the record. The objection was over-ruled.

- t. Mr. Kimmey continued the cross-examination of Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question posed by Mr. Kimmey as it "misconstrued the witness' testimony". Mr. Kimmey rephrased the question and continued. Ms. Everett objected to the question posed by Mr. Kimmey as it was "asked and answered".
- u. Mr. Kimmey continued the cross-examination of Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question posed by Mr. Kimmey as it "misconstrued the witness' testimony". Chairman Bartlett and Mr. Kimmey explained Sgt. Gardiner's testimony, as they understood it.
- v. Mr. Kimmey continued the cross-examination of Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question posed by Mr. Kimmey as it "misconstrued the witness' testimony". Chairman Bartlett explained again Sgt. Gardiner's testimony, as he understood it.
- w. Mr. Kimmey continued the cross-examination of Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question posed by Mr. Kimmey as it was "asked and answered". Chairman Bartlett allowed the question.
- x. Mr. Kimmey continued the cross-examination of Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question posed by Mr. Kimmey as it was "asked and answered". The objection was sustained.
- y. Ms. Everett asked re-direct questions to Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Ms. Everett.
- z. The Board questioned Sgt. Gardiner. She responded in detail to all questions posed by the Board.
- aa. There being no further questions, the witness was released.
- bb. Ms. Everett called Major Shawn Southerland. He stated his name, where employed, tenure and duties in September of 2010. Ms. Everett began questioning Major Southerland. Major Southerland responded in detail to all questions posed by Ms. Everett.
- cc. Mr. Kimmey cross-examined Major Southerland. Ms. Everett objected to a question posed by Mr. Kimmey, as it was "compound and assumed facts not in evidence". The objection was sustained.

- dd. Mr. Kimmey continued the cross-examination of Major Southerland. Major Southerland responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question posed by Mr. Kimmey as it was "asked and answered". The question was allowed.
- ee. Mr. Kimmey continued the cross-examination of Major Southerland. Major Southerland responded in detail to all questions posed by Mr. Kimmey.
- ff. Ms. Everett asked re-direct questions to Major Southerland. Major Southerland responded in detail to all questions posed by Ms. Everett.
- gg. The Board questioned Major Southerland. He responded in detail to all questions posed by the Board. Mr. Kimmey objected to a question posed by the Board. Chairman Bartlett advised Mr. Kimmey that he could not object and that the Board was aware of the issue and will take all testimony in totality before rendering a decision.
- hh. There being no further questions, the witness was released.
- ii. Chairman Bartlett called for a short break. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0) – Ms. Favre, absent.
- jj. Chairman Bartlett called the meeting back to order at 3:10 p.m.
- kk. Chairman Bartlett advised that the hearing may not be completed today and would need to be finished on a Special Called meeting date (November 8th).
- ll. Mr. Trimble advised Ms. Everett she had 1 hour and 6 minutes remaining.
- mm. Ms. Everett advised the Board that the Sheriff's Office rested subject to any rebuttal witnesses.
- nn. Mr. Kimmey called Johnette Colquitt to the witness stand. She stated her name, address and when she began working for the Sheriff's Office. Mr. Kimmey began questioning Ms. Colquitt. Ms. Colquitt responded in detail to all questions posed by Mr. Kimmey. Mr. Kimmey presented the Appellant's Exhibits. Mr. Kimmey mentioned **County Exhibit A-1**.
- oo. Mr. Kimmey continued questioning Ms. Colquitt. Ms. Colquitt responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question posed by Mr. Kimmey as to its "relevancy". Mr. Kimmey explained the relevancy of the question. All board members agreed the question was not relevant.
- pp. Mr. Kimmey continued questioning Ms. Colquitt. Ms. Colquitt responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question

posed by Mr. Kimmey as to its “relevancy – going down same line of questioning”. Chairman Bartlett explained the relevancy and polled the Board for their thoughts. The objection was over-ruled. The question was allowed.

- qq. Mr. Kimmey continued questioning Ms. Colquitt. Ms. Colquitt responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question posed by Mr. Kimmey as it called for “speculation on the part of the witness”. The objection was sustained.
- rr. Mr. Kimmey continued questioning Ms. Colquitt. Ms. Colquitt responded in detail to all questions posed by Mr. Kimmey. Mr. Kimmey mentioned **County Exhibit 8 (page 22)**.
- ss. Mr. Kimmey continued questioning Ms. Colquitt. Ms. Colquitt responded in detail to all questions posed by Mr. Kimmey. Ms. Everett objected to a question posed by Mr. Kimmey as to its “relevancy – the issue is not allowed to come in at this hearing”. Mr. Kimmey withdrew the question. Chairman Bartlett advised the board members to disregard the question.
- tt. Ms. Everett cross-examined Ms. Colquitt. Ms. Colquitt responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit 7**.
- uu. The Board questioned Ms. Colquitt. She responded in detail to all questions posed by the Board. Ms. Everett objected to a question or testimony of Ms. Colquitt, as it was “assuming facts not in evidence”. Chairman Bartlett advised Ms. Everett she could not object to the Board’s questioning.
- vv. Chairman Bartlett called for a five-minute break. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0) – Ms. Favre, absent.
- ww. Chairman Bartlett called the meeting back to order at 4:22 p.m.
- xx. A lengthy discussion regarding Mr. Kimmey asking that the Board listens to **Appellant Exhibit 5 (cd)**. Ms. Everett objected and explained in detail.
- yy. Civil Service Board Attorney Joe Harris stated the recording could be played, as the authenticity was not in question and that it did not require a witness on the stand in order to tender as evidence.
- zz. Chairman Bartlett cautioned all board members and witnesses not to discuss this appeal with anyone and asked Mr. Kimmey to bring device to listen to cd upon his return.
- aaa. Chairman Bartlett called for a motion to continue the appeal hearing regarding Johnette Colquitt’s termination until 9 a.m., on November 8, 2010. Mr. Trimble

made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0) – Ms. Favre, absent.

- bbb. Mr. Trimble advised Ms. Everett she had used 49 minutes and 5 seconds and Mr. Kimmey had used 1 hour and 22 minutes and 35 seconds.
- ccc. Chairman Bartlett cautioned the witnesses not to discuss with anyone.
- ddd. Captain Brian Crisp informed the Board that he would be out of town beginning November 8 for 10 days.
- eee. Chairman Bartlett recommended changing Johnette Colquitt's termination hearing to 9 a.m., on November 7, 2010 and the second case (*Nola Carter (Sheriff's Office)*) could convene at 1 p.m., and advised the board members and witnesses not to discuss with anyone.
- fff. Chairman Bartlett called for a motion to continue Johnette Colquitt's termination appeal hearing to 9:30 a.m., on November 7, 2012. Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0) – Ms. Favre, absent.
- ggg. Chairman Bartlett confirmed the Board would not meet an additional date in November.

Chairman Bartlett stated that all matters have been concluded and called for a motion to adjourn this meeting. Mr. Trimble made a motion to adjourn, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

Meeting adjourned.


LARRY A. BARTLETT
CHAIRMAN


RENEE BRIGHT
HUMAN RESOURCES DIRECTOR